

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NEW YORK

ELAINE L. CHAO, Secretary of Labor, :
United States Department of Labor, :

Plaintiff, :

v. :

GENEVA B. SCRUGGS COMMUNITY HEALTH :
CARE CENTER, INC. TAX SHELTERED :
ANNUITY PLAN, :

Defendant. :

ORDER
05-CV-696S

On November 17, 2006, this Court received a letter from Ms. Jacqueline M. Carmichael, the Independent Fiduciary appointed by this Court, setting forth her proposed Distribution Plan. This Court has reviewed Ms. Carmichael's proposed Distribution Plan and finds it to be acceptable.

IT HEREBY IS ORDERED, that the Clerk of the Court is directed to file the Independent Fiduciary's proposed Distribution Plan contained in her letter dated November 14, 2006.

FURTHER, that the Independent Fiduciary's proposed Distribution Plan is APPROVED.

FURTHER, that consistent with this Court's prior Order (Docket No. 3) the Independent Fiduciary's proposed fee of \$12,200, to be assessed proportionally from each plan participant account, is APPROVED.

FURTHER, that the Independent Fiduciary shall file a

final distribution report upon completion of her duties.

FURTHER, that the Clerk of the Court shall send a copy of this Order to the Independent Fiduciary as follows:

Ms. Jacqueline M. Carmichael

JM Pension Advisory, Inc.

15807 Crabbs Branch Way

Suite B

Derwood, MD 20855

SO ORDERED.

DATED: December 5, 2006
Buffalo, New York

/s/William M. Skretny
William M. Skretny
U.S. DISTRICT JUDGE